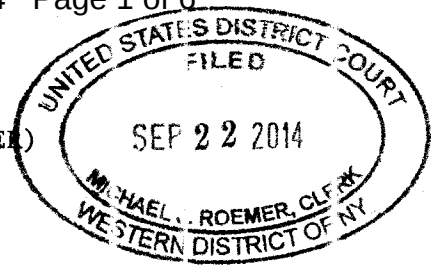


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK (ROCHESTER)



DAREN A. BROOKS
APPELLANT,

Vs.

THE UNITED STATES OF AMERICA
Respondent

:
:
:
:
:
:
:

Case No. 6:10-CR-06127-CJS-JWF-1

**NOTICE OF APPEAL/MOTION FOR LATE
ENTRY OF SAME**

COMES NOW, Daren A. Brook (Appellant) and will respectfully submit his Notice of Appeal to the denial of his motion for sentence reduction under Title 18 U.S.C. § 3582(c)(2); the "Retroactive Application of the Sentencing Guidelines."

The appellant respectfully submits that the otherwise late fashion of this appellate notice, is beyond his control, as will be explained infra and pursuant to the applicable Sections of Fed.R. App.P. Rule 4(a)(6). In support of this request, the following facts and averments are presented:

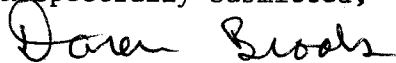
- (1) Appellant filed the § 3582(c) Motion at issue on 4/24/2014.
- (2) This Court appears to have denied the motion some 6 days later, or on 4/30/2014.
- (3) Appellant, an incarcerated person, was NOT afforded notice of the court's denial of the motion until he sought a status of the case by correspondence to the Court (See Exhibited)(Docket Sheet)
- (4) Appellant immediately wrote the staff at his place of confinement inquiring as to whether they received said notice, to which the staff at FCI McKean responded in the negative. (See Exhibited).

(5) The appellant here, therefore requests this Court's permission to reopen the time for filing his notice of appeal, and requests the Court to accept this motion as the notice of appeal in resulting timely fashion. see, e.g., Fed.R.App.P. 4(a)(6) and/or al other applicable Sections. Griffin v. George Buck Consulting Actuaries, Inc., 537 F.Supp. 1134, 1136 (S.D.N.Y. 1983).

The request here, is specific to the Appellant's not having received the notice from this Court of its ruling denying his motion until on or about 9/10/2014, See, Post mark.

A district court may reopen the time for filing a notice of appeal for a period of 14 days after the date the order to reopen is entered, if certain conditions are met; (A) the court finds that the moving party did not receive notice under Fed.R. of Civ.P. 77(d) of the entry of the judgment or order sought to be appealed...(B) the motion is filed within 180 days after the judgment or order is entered...and (C) the court finds no party would be prejudiced. The appellant/movant here respectfully contends that these criteria are met.

Respectfully submitted,



DAREN A. BROOKS, pro se
SWorn: 28 U.S.G. § 1746

9/15
Date filed: September ,2014

DAREN BROOKS # 03839-055
FCI MCKEAN, PO BOX 8000
BRADFORD, PENNA 16701

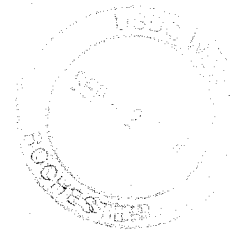
U.S. DISTRICT COURT FOR THE WESTERN
DISTRICT OF NEW YORK
OFFICE OF THE HON. COURT CLERK
100 STATE STREET, ROOM 2120
ROCHESTER, N.Y. 14614

RE: STATUS REPORT, Motion under 18 U.S.C. § 3582(c), No. 10-cr-06127-CJS-JWF

Dear Sir/Madam,

I filed a motion in this Court as captioned above back in April 18th of this year, but have not received a response to date. Accordingly, please inform me of the status of that filing.

Your time/attention is appreciated,



Sincerely,

#03839-055

Daren Brooks (8-26-14)
DAREN BROOKS

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISON.

TO: (Name and Title of Staff Member) CASE Manager: K.G. Stauffer	DATE: 9/11/14
FROM: Daren Brooks	REGISTER NO.: 03839-055
WORK ASSIGNMENT: Religion	UNIT: AB 128 upper

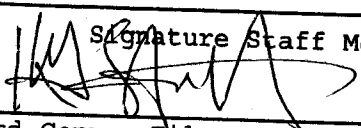
SUBJECT: (Briefly state your question or concern and the solution you are requesting. Continue on back, if necessary. Your failure to be specific may result in no action being taken. If necessary, you will be interviewed in order to successfully respond to your request.)

I recently inquired to the US Dist Ct about the status of my petition under 18 USC § 3582(c)(2) since I had not recieved a response since its filing on 4/24/14. Then, on 9/5/14 I recieved a docket sheet from the court showing a docketed action on the motion of 4/30/14. My question then, is did this institution receive said order on/about that date, and if so, I recieved no "legal mail" pursuant thereto!
 please check legal mail record

(Do not write below this line)

DISPOSITION:

The docket sheet was not received by the UNIT TEAM

Signature Staff Member 	Date 9-11-14
Record Copy - File; Copy - Inmate (This form may be replicated via WP)	This form replaces BP-148.070 dated Oct 86 and BP-S148.070 APR 94



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AB

Daren Brooks
#03839-055
FCI McKean
PO Box 8000
Bradford, PA 16701

Respectfully submitted,

Daren A. Brooks

DAREN A. BROOKS, sui juris

Sworn: 28 U.S.C. § 1746

CERTIFICATE OF FILING/SERVICE

I, Daren A. Brooks, do hereby certify that i have caused to be served, true and correct copies of my pro se **notice of Appeal** upon the interested parties as they are addressed below and on the date affixed:

Daren A. Brooks

DAREN A. BROOKS, # 03839-055

FCI MCKEAN, P.O. BOX 8000

BRADFORD, PA 16701

9-15-14

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NEW YORK
OFFICE OF THE HON. CLERK
KENNETH B. KEATING FEDERAL BLDG.
100 STATE STREET, ROOM 2120
ROCHESTER, NEW YORK 14614

ASSISTANT U.S. ATTORNEY: ROBERT MARANGOLA, ESQ.
WESTERN DISTRICT OF NEW YORK
6200 FEDERAL BLDG.
ROCHESTER, NEW YORK 14614